In the High Court of Uttaranchal at Nainital.

(Stay Application No. 10201/2006)
in
Criminal Writ Petition No. 979/2006(M/B)

Sarfraj Khan S/o Nanhee Khan
R/o Chakrota Road (Near Vijay Cinema)
Police Station Kotwali Saharanpur,
District Saharanpur U.P. ... Petitioner.

Versus

1- State of Uttaranchal
through S.S.P. Haridwar,
District Haridwar.

2- Station Officer, P.S. Kotwali Roorkee,
District Haridwar.

3. R.A. Singh, Asstt. Engineer,
Upper Ganganahar, Adhunikikaran Khand-3
(World Bank) Roorkee,
District Haridwar ... Respondents.

Sri S. C. Tyagi, learned counsel for the petitioner.
Sri D.K. Sharma, learned G.A. for the State.

Hon'ble B.C. Kandpal, J.
Hon'ble Prafulla C. Pant, J.

By way of this petition the petitioner has sought the following reliefs:-

(a) To issue a writ, order or direction in the nature of certiorari quashing the impugned F.I.R. of case crime No. 219/2006, U/Ss 332, 353, 323, 504, 506, 147 I.P.C., P.S. Kotwali Roorkee, District Haridwar, contained as Annexure-2 to the writ petition.

(b) To issue a writ, order or direction in he nature of mandamus commanding the respondent nos. 1

and 2 not to harass and arrest the petitioner in view of the impugned F.I.R. till the collection of credible evidence against the petitioner or till the filing of the report submitted U/S 173 of Cr.P.C.

2- Heard Sri S.C. Tyagi, learned counsel for the petitioner, learned G.A. and perused the record.

3- Having considered the arguments advanced by the learned counsel for the parties and after perusal of the material available before us, we are of the view that the allegations made in the first information report are of serious nature. We do not find any ground to grant any of the reliefs sought by the petitioners.

4- The writ petition is dismissed in limine.

5- The stay application also stands rejected.

(P.C. Pant, J.) **(B.C. Kandpal,J.)**

Dated: 11-08-2006
ISB